

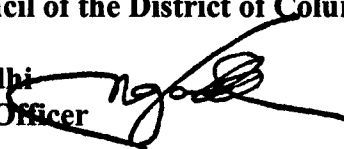
**Government of the District of Columbia  
Office of the Chief Financial Officer**



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Vincent C. Gray  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi  
Chief Financial Officer 

**DATE:** June 23, 2010

**SUBJECT:** Fiscal Impact Statement – “Expanding Access to Juvenile Records Amendment Act of 2010”

**REFERENCE:** Bill Number 18-344, Draft Committee Print

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**Conclusion**

Funds are sufficient in the proposed FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation.

**Background**

The proposed legislation would amend District of Columbia laws on sharing of information pertaining to a child contained in juvenile case records,<sup>1</sup> juvenile social records,<sup>2</sup> and law enforcement records.<sup>3</sup> The proposed legislation mainly reorganizes these sections with no change in the content with four major exceptions:

1. It would allow authorized persons, agencies<sup>4</sup> or service providers<sup>5</sup> to use or disclose to other authorized users, each of these three records for the purposes of: (a) establishing eligibility for, determining the amount and type of, coordinating, or conducting research related to the individual’s treatment, services, benefits, support; or assistance; or (b) conducting oversight activities, so long as the records were related to health and human

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<sup>1</sup> §16-2331 of the D.C. Official Code.

<sup>2</sup> §16-2332 of the D.C. Official Code.

<sup>3</sup> §16-2333 of the D.C. Official Code.

<sup>4</sup> “Agency” means any agency, department, unit, and instrumentality, corporate or otherwise, of the District of Columbia government.

<sup>5</sup> “Service provider” means an entity that provides health or human services to District residents pursuant to a contract, grant or other similar agreement with an agency.

services information<sup>6</sup> in accordance with Title I of Bill 18-356, Data-Sharing and Information Coordination Amendment Act of 2010.<sup>7</sup>

2. It would establish a Juvenile Abscondence Review Committee ("Committee") that would be required within 6 months of any homicide, attempted homicide, or assault with a deadly weapon that involved a juvenile in abscondence, to examine what steps could have been taken to prevent the juvenile from absconding, determine why the juvenile was not more securely detained, recommend systemic improvements, and make a report available to the public regarding its findings. The Mayor would appoint all members of the Committee and would determine what, if any, facilities and other administrative support would be provided and by whom.
3. It would allow the Committee to inspect juvenile case records and law enforcement records for the purposes of examining circumstances and events surrounding any homicide, attempted homicide, and assault with a deadly weapon committed in the District by or to a juvenile in abscondence.<sup>8</sup>
4. It would allow law enforcement records and files—concerning a child adjudicated after October 1, 2010 and limited only to arrest, conviction, and disposition information—to be open and disclosed to the public in the three specified circumstances.<sup>9</sup>

### **Financial Plan Impact**

Funds are sufficient in the proposed FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation.

The legislation would not require regular meetings of the Committee; instead it would only require that the Committee convene and issue a report within six months of a homicide or assault with a deadly weapon involving juveniles in abscondence. Such crimes are likely to be rare given the low numbers of juveniles in abscondence and of juveniles involved in homicides.

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<sup>6</sup> "Health and human services information" means any information that relates to: (i) The past, present, or future physical or mental health of an individual or family; (ii) The provision of health care or human services, including benefits or supports, to an individual or family; or (iii) The past, present, or future payment for the provision of health care or human services to an individual or family. As such, it is unlikely that law enforcement records would contain any of this data.

<sup>7</sup> As stipulated in the engrossed original.

<sup>8</sup> According to testimony by Marc Schindler, the Interim Director of the Department of Youth Rehabilitative Services (DYRS), during the Public Roundtable on Juvenile Abscondence in the District of Columbia, Monday June 14, 2010, when a young person who is placed at home is not abiding by their agreement and fails to maintain adequate contact with their case manager, they are placed in "abscondence" status. Similarly, when a young person who is placed in a community-based program is not complying with their respective program by, for example, missing curfew by more than one hour, they are in "abscondence." Escape, on the other hand, is when a youth leaves a locked facility, such as the New Beginnings Youth Development Center or the Youth Services Center. The key distinction is that escapes happen from locked facilities, and abscondences happen from community placements. There are three main entities that oversee juveniles: DYRS, D.C. Superior Court, and the Court Services and Community Supervision Agency for the District of Columbia (CSOSA), which is an independent federal agency.

<sup>9</sup> (1) The juvenile has been adjudicated delinquent in 2 or more occurrences of an assault of where the crime would be a felony if prosecuted as an adult; (2) the first occurrence in which the offense is a crime of violence; or (3) an adult offender convicted of a felony or misdemeanor assault, provided that no more than 5 years have lapsed between the juvenile adjudication and the adult conviction.

According to testimony provided during the Public Roundtable on Juvenile Abscondence in the District of Columbia, there are 68 juveniles in abscondence under DYRS supervision at any given time<sup>10</sup> and on average 140 juveniles per month under the supervision of the D.C. Superior Court are in abscondence.<sup>11</sup> The Court Services and Community Supervision Agency for the District of Columbia (CSCSA) did not provide data for the number of juveniles in abscondence, but did provide statistics on the number of probationers, parolees and supervised releasees in the District they are responsible for supervising: 16,000, 875 of which are under the age of 21. However, according to a Washington Post article from May 20, 2010,<sup>12</sup> 13 percent of this *entire* population of 16,000 is in abscondence, which can be used to produce an estimate of 114 for persons under 21.<sup>13</sup>

Statistics from the District also support this finding. Metropolitan Police Department data show that in 2008, there were 13 juvenile homicide victims and 10 juveniles arrested for homicide. In 2009, these numbers increased to 20 victims and 17 arrested. Even so, this represents only .04 percent of the number of youth in the District between the ages of 10 and 17. Applying this percentage to an estimated monthly population of 300 juveniles in abscondence produces 1.5 homicide victims and 1.5 homicide arrests per year. (There is no easily accessible data on assaults with a weapon.). Statistics from DYRS show that between 2005 and 2008, approximately 7 youth under their supervision were victims of homicide each year. It is not known if any of these youth were in abscondence at the time of their deaths.

Additionally, the costs associated with the needs of similar commissions and committees are generally very minor, usually requiring only a meeting space and some minimal administrative support for tasks such as making copies.

Thus, given the relative infrequency of the meetings, the minimal costs involved, and the fact that the legislation does not obligate the Mayor to provide funding for the Committee, the costs of the proposed legislation could be absorbed by existing resources within the District Government.

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<sup>10</sup> Marc Schindler, the Interim Director of DYRS.

<sup>11</sup> Judge Jackson from the Family Court Division of the D.C. Superior Court.

<sup>12</sup> Henri E. Cauvin, "Oversight of D.C. youth offenders questioned after arrests in principal's death." Washington Post, May 20. (<http://www.washingtonpost.com/wp-dyn/content/article/2010/05/20/AR2010052003039.html>)

<sup>13</sup> Note that juveniles are defined as 17 and under.